



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HERVE GUERRIER,
#1036378

Plaintiff,

vs.

ROBERT LEGRAND, *et al.*,

Defendants.

3:10-cv-00719-LRH-VPC

ORDER

Plaintiff has submitted a *pro se* civil rights complaint and paid the partial fee he was assessed. Before the court is his motion to disregard request for filing amended complaint and request to be granted permission to file supplemental complaint (docket #13). Plaintiff also filed a supplement to his complaint (docket #12).

Local Rule 15-1 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). As plaintiff was informed in this court's Order dated March 3, 2011 (docket #10), if he seeks to add additional claims he must file a new, amended complaint that sets forth all claims against all defendants that he wishes to pursue in this

1 action. Plaintiff shall file his amended complaint within thirty (30) days of the date of entry of this
2 order. Once plaintiff files an amended complaint, the original pleading no longer serves any function
3 in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the
4 involvement of each defendant must be sufficiently alleged.

5 Accordingly, plaintiff's motion to disregard request for filing amended complaint (docket
6 #13) is denied. Plaintiff has thirty (30) days from the date of entry of this Order to file an amended
7 complaint that sets forth all claims he wishes to pursue in this action. If plaintiff does not file an
8 amended complaint within thirty days, then the court will screen plaintiff's original complaint (*see*
9 docket #1-1).

10 **IT IS THEREFORE ORDERED** that plaintiff's motion to disregard request for filing
11 amended complaint and motion to be granted permission to file supplemental complaint (docket #13)
12 is **DENIED**.

13 **IT IS FURTHER ORDERED** that plaintiff's supplement to complaint (docket #12) is
14 **STRICKEN**.

15 **IT IS FURTHER ORDERED** that if plaintiff shall clearly title any amended complaint
16 as such by placing the words "FIRST AMENDED" immediately above "Civil Rights Complaint
17 Pursuant to 42 U.S.C. § 1983" on page 1 in the caption, and plaintiff shall place the case number, **3:10-**
18 **CV-00719-LRH-VPC**, above the words "FIRST AMENDED" in the space for "Case No."

19 **IT IS FURTHER ORDERED** that if plaintiff chooses to file an amended complaint,
20 he shall file it within **thirty (30) days** from the date that this Order is entered. The amended complaint
21 must be a complete document in and of itself, and will supersede the original complaint in its entirety.
22 Any allegations, parties, or requests for relief from prior papers that are not carried forward in the
23 amended complaint will no longer be before the court.

1 **IT IS FURTHER ORDERED** that if plaintiff chooses not to timely file an amended
2 complaint, the court will screen plaintiff's original complaint (*see* docket #1-1).
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6 DATED this 20th day of April, 2011.

7
8 Valerie P. Ashe
9 UNITED STATES MAGISTRATE JUDGE
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